

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 JUL -9 P 2: 14

V.

MENDOZA-Soriano, Arquimedes
(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S. J.

CRIMINAL COMPLAINT

07 70401

CASE NUMBER:

RS

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 6, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bryan T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

7-9-07

Date

at

San Jose, California

City and State

Richard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: MENDOZA-Soriano, Arquimedes A76 325 680

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

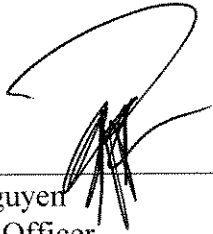
- (1) Mr. MENDOZA-Soriano is a 28-year-old male who has used six (6) aliases and two (2) dates of birth in the past.
- (2) Mr. MENDOZA-Soriano has been assigned two (2) Alien Registration numbers of A76 325 680 and A75 112 289, FBI number of 290219CB7, California Criminal Information Index number of A11268222, and a California Department of Corrections number T07594.
- (3) Mr. MENDOZA-Soriano is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on three (3) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
January 29, 2000	El Paso, TX
June 24, 2002	Calexico, CA
August 11, 2005	Nogales, AZ

- (4) Mr. MENDOZA-Soriano last entered the United States at or near Nogales, AZ on or after August 11, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MENDOZA-Soriano on a date unknown, but no later than April 6, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On June 26, 2007, Mr. MENDOZA-Soriano was interviewed by Immigration Enforcement Agent (IEA) Cesar Umali at the ICE Office, San Jose, CA, and during that interview, Mr. MENDOZA-Soriano was advised of his **Miranda** rights in English. Mr. MENDOZA-Soriano waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: MENDOZA-Soriano, Arquimedes A76 325 680

- (6) Mr. MENDOZA-Soriano was, on February 18, 1997, convicted in the Municipal Court of California, in and for the County of San Joaquin, for the offense of BURGLARY IN SECOND DEGREE, a misdemeanor, in violation of Section 459 of the California Penal Code, and was sentenced to four (4) months in jail.
- (7) Mr. MENDOZA-Soriano was, on February 5, 2001, convicted in the Superior Court of California, in and for the County of San Joaquin, for the offense of ASSAULT WITH FIREARM ON PERSON, an aggravated felony, in violation of Section 245(a)(2) of the California Penal Code, and was sentenced to three (3) years in prison.
- (8) Mr. MENDOZA-Soriano was, on May 3, 2004, convicted in the Superior Court of California, in and for the County of San Joaquin, for the offense of RAPE:VICTIM DRUGGED, an aggravated felony, in violation of Section 261(a)(3) of the California Penal Code, and was sentenced to three (3) years in prison.
- (9) On the basis of the above information, there is probable cause to believe that Mr. MENDOZA-Soriano illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 9th day of July, 2007



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE